

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the application of: ROSEN et al.

Application Serial No.: 09/764,872

Group Art Unit: 1614

Filed: January 17, 2001

Examiner: Not assigned

For: Nucleic Acids, Proteins and Antibodies Attorney Docket No.: PA125

**RESPONSE AND PETITION TO NOTICE OF OMITTED
ITEM(S) IN A NONPROVISIONAL APPLICATION**

RECEIVED

DEC 31 2001

OFFICE OF PETITIONS

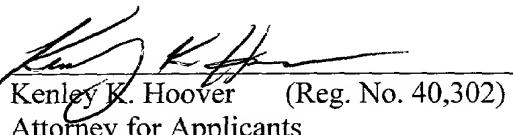
Commissioner For Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Omitted Item(s) In A Nonprovisional Application dated October 15, 2001, submitted herewith is a copy of page 448, as well as a copy of the postcard date-stamped January 17, 2001 by the Patent and Trademark Office, confirming that 555 pages of the specification were received. Likewise enclosed is a copy of the Notice of Omitted Item(s) in a Nonprovisional Application. Applicants believe that page 448 was part of the application as originally filed and therefore request a refund of the \$130.00 petition fee.

The Commissioner is hereby authorized to charge the required petition fee of \$130.00, and any other fees deemed necessary, to Deposit Account No. 08-3425.

Respectfully submitted,


Kenley K. Hoover (Reg. No. 40,302)
Attorney for Applicants

Human Genome Sciences, Inc.

9410 Key West Avenue
Rockville, Maryland 20850
301-610-5771 (telephone)

Dated: December 14, 2001

Adjustment date: 03/22/2002 AKELLEY
12/18/2001 AGOITOM 00000027 083425 09764872
01 FC:122 130.00 CR

KKH/rmr

PA125

HUMAN GENOME SCIENCES, INC.

PLEASE HOLD FOR
SERIAL NUMBER

Please date stamp and return to addressee on reverse side

Applicants Rosen et al.

Docket No. PA1251PE

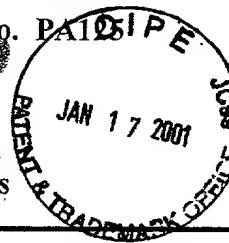
Application No.: Unassigned

Filed: Herewith

JAN 17 2001
D

Title: Nucleic Acids, Proteins, and Antibodies

US PATENT DEPT



Documents Filed Via Hand Delivery on January 17, 2001

1. Post card(s) (2);
2. Utility Patent Application Transmittal;
3. Patent Application Fee Value Transmittal (in dupl.);
4. Executed Declaration for Patent Application (5 pages);
5. Specification: [(pp.: 1-555) Claims: (24 claims)][(5 pp : 556-560)]; Abstract: (1 pg.: 561); Sequence Listing on computer-readable form on 3 Compact Discs (Copy 1, Copy 2, and CRF);
6. Transmittal and Submission Under 37 C.F.R. §§ 1.824 and 1.52(e);
7. Statement Under 37 C.F.R. § 1.821;
8. Executed Assignment & Assignment Recordation Form Cover Sheet (in dupl.)(3 pages); and
9. Application Data Sheet (13 Pages).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Total amount of payment

\$130.00

Complete if Known

Application Number	09/764,872
Filing Date	January 17, 2001
First Named Inventor	ROSEN et al.
Examiner Name	Not assigned
Group Art Unit	1614
Attorney Docket Number	PA125

METHOD OF PAYMENT

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number **08-3425**Deposit Account Name **Human Genome Sciences, Inc.**

Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status.
See 37 CFR 1.27

Payment Enclosed:
 Check Credit Card Money Order Other*

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee			
106	330	206	165	Design filing fee			
107	510	207	255	Plant filing fee			
108	740	208	370	Reissue filing fee			
114	160	214	80	Provisional filing fee			
SUBTOTAL (1)		\$0.00					

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims		20**	\$18.00	
Independent Claims		3**	\$84.00	
Multiple Dependent			\$280.00	

Large Entity Small Entity

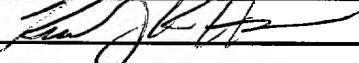
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
108	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		\$0.00		

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use hearing	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
145	100	145	100	Certificate of correction	
148	110	248	55	Statutory disclaimer	
561	3	561	3	Printed copy of patent, regular service	
Other fee (specify):					
Other fee (specify):					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)		\$130.00			

Submitted By	Complete (if applicable)
Name (Print/Type) Kenley K. Hoover	Registration No.: 40,302
Signature: 	Telephone (301) 610-5771
	Date: December 14, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/764,872	01/17/2001	Craig A. Rosen	PA125

CONFIRMATION NO. 6983

22195
 HUMAN GENOME SCIENCES INC
 9410 KEY WEST AVENUE
 ROCKVILLE, MD 20850

FORMALITIES LETTER



OC00000006900979

Date Mailed: 10/15/2001



NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) Page 448 of the specification (description and claims).

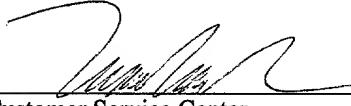
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE